

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS—EASTERN DISTRICT**  
**DIVISION ONE**

JOSEPH SCHNEIDER,	)	No. ED103011
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	1411-CC1176
	)	
DIRECTOR OF REVENUE,	)	Honorable Matthew E.P. Thornhill
	)	
Appellant.	)	FILED: May 10, 2016

The Director of Revenue appeals from the judgment of the trial court, following a trial de novo, reinstating the driving privileges of Joseph Schneider (“Driver”), whose license was suspended for driving while intoxicated. The trial court held that breath analyzer results of Driver’s blood alcohol content were inadmissible because Intoximeters, Inc., an approved supplier of the gas mixture used to calibrate breath analyzers, did not manufacture the gas mixture.

REVERSED AND REMANDED.

Division One Holds: The plain meaning of “provided from approved suppliers” in 19 CSR 25-30.051(5) requires only proof that the entity that provided the gas mixture to law enforcement was an approved supplier listed in the regulation. The fact that the gas mixture was manufactured by another entity is irrelevant to the admissibility of the breath analyzer results.

Opinion by: Mary K. Hoff, J.  
Robert G. Dowd, Jr., P.J., and Roy L. Richter, J., Concur.

Attorney for Appellant: Rachel M. Jones  
Attorney for Respondent: Vincent Johnson

<p style="text-align:center"><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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